

**Operating Procedure for Essex Division of the Probate and Family Court
Under Standing Order 1 – 21, effective July 12, 2021**

A. General information:

Effective July 12, 2021, the Probate and Family Court will be open to conduct all emergency and non-emergency court business in person, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually.

The ability to conduct in-person hearings depends upon successful compliance with all safety protocols established by the Trial Court, including, but not limited to, Trial Court occupancy limits.

Parties may file pleadings by US mail, in person, or by e-filing where available. Email filings will be accepted when done so by a Court Service Center staff member or by an attorney volunteering through a Lawyer for the Day program on behalf of a self-represented litigant or if specifically authorized by the Supreme Judicial Court or the Executive Office of the Trial Court. Other email filings may be allowed at the discretion of each Register of Probate. Drop boxes may be available to file pleadings in some court locations.

NO EMAILED PLEADINGS FOR SAME DAY HEARINGS (MUST BE FILED IN-PERSON ONLY) – ANY PLEADINGS THAT CAN BE E-FILED WILL NOT BE ACCEPTED VIA EMAIL

Questions related to email filings can be directed to: Chrissy Silva,
christine.silva@jud.state.ma.us

The Essex Probate and Family Court will not be using a drop box for filing pleadings.

Electronic signatures will continue to be used, consistent with the current order of the Supreme Judicial Court, unless and until otherwise amended by subsequent orders or rules.

Virtual registries may continue to be used. Virtual registries offer all of the assistance normally available during an in-person visit, including face-to-face contact, the ability to obtain and get assistance with court forms, and access to court documents and docket information. [Information about virtual registries can be found here.](#)

Days of week and hours of operation for virtual registry: Monday - Friday 8:00am – 4:30pm. Lawyer for the Day Program will operate through the virtual registry on Monday, Tuesday & Thursday 10am-12pm.

The link to the virtual registry: <https://www.zoomgov.com/j/1613549831>.

Questions related to the virtual registry can be directed to: Vinnie Procopio,
vincent.procopio@jud.state.ma.us or 857-319-7244

B. In-Person Proceedings:

As of July 12, 2021, the Probate and Family Court will expand the scheduling of in-person hearings for all matters, except for the matters identified in Paragraph C below and any matter that a judge determines shall be held virtually. In-person hearings will be scheduled for the next available date and will be conducted on a staggered schedule.

Staggered scheduling for Essex Probate and Family Court will be updated as available.

Questions related to staggered scheduling can be directed to: JCM, Attorney Michelle Yee

If notice has already gone out and a matter is scheduled for a virtual hearing on or after July 12, 2021, the matter will still be held virtually unless the assigned judge determines the matter should be heard in person and the parties are notified of such change.

Where an in-person hearing is scheduled, a party may request that the hearing be conducted virtually, and the judge will rule on the request.

Requests that an in-person hearing be heard virtually should be made by motion.

Questions related to these requests can be directed to: JCM, Attorney Michelle Yee.

Alternatively, a judge, upon request, may authorize a participant (an attorney, party, or witness) to appear virtually while other participants appear in person, so long as it is consistent with due process and fundamental fairness. A participant who requests to appear virtually for an otherwise in-person proceeding shall have no grounds to object to other participants appearing in person.

Requests to appear virtually at a hearing that is scheduled to be in person should be made by motion.

Questions related to these requests can be directed to: JCM Attorney Michelle Yee.

C. Virtual Proceedings:

The following matters shall be held virtually and on a staggered schedule:

1. Uncontested adoptions, unless the assigned judge determines that the matter should be heard in person;
2. Uncontested divorces;
3. Rogers reviews;
4. Best efforts § 29B annual reviews – DCF custody;
5. Any action involving child support only, except for contempt actions;
6. Case Management/Status conferences; and
7. Discovery motions.

Changes to staggered scheduling for virtual matters in Essex Probate and Family Court will be updated as available.

Questions related to staggered scheduling can be directed to: JCM, Attorney Michelle Yee.

Matters that are generally handled administratively (e.g., marriage without delay; joint modification); uncontested/assented to motions (e.g., appointment of GAL; continue date of hearing; file marriage certificate late); and uncontested/routine allowables in probate actions (e.g., informal petition; transfer of guardianship or conservatorship from another state; accounts; appointment of GAL; license to sell; alternative service; waiver of sureties; motion to file death certificate late) will continue to be handled administratively. If such a matter is not handled administratively, a virtual hearing will be scheduled.

In the absence of exceptional circumstances, as determined by the judge conducting the hearing, no party or attorney for a party may be physically present in the courtroom for a scheduled virtual hearing.

However, in cases with one or more self-represented litigants, judges shall consider the possibility that self-represented litigants may have limited access to the technology needed or limited experience with such technology and either assist the self-represented litigant or offer the option to appear in person.

A judge may also consider matters through an administrative review process and determine motions in accordance with Rule 78.

List of specific matters that will be considered administratively

- i. Uncontested probates;
- ii. Uncontested changes of names,
- iii. Certain over 18 SIJS cases,
- iv. Joint Motions to Enter a QDRO,
- v. If a stipulation for Temporary Orders or an Agreement for Judgment on a Complaint for Modification or a Contempt is filed, the Temporary Order or Judgment may enter administratively if all necessary papers are in order and the following is submitted:
 1. A Stipulation for Temporary Order or Agreement for Judgment (hereafter ("Stipulation")) signed by all interested parties and counsel of record;
 2. An assented to Motion to incorporate the Stipulation into an Order or Judgment listing (by docket number or filing date) the underlying Complaint(s) off of which the Order or Judgment shall issue;
 3. If applicable, updated and complete financial statements and a child support guidelines worksheet;
 4. For all unrepresented parties, an Affidavit that the party:
 - a. acknowledges they understand the issues presented;
 - b. has read, understands and agrees with all terms of the Stipulation;
 - c. understands that counsel represents the other Party only;

	d. understands they are waiving their right to an in-person hearing as to this matter only; and,
	e. if applicable, has submitted an accurate financial statement and has reviewed the other party's financial statement which they accept for purposes of entering the Order or Judgment.
vi.	For all Stipulations, please clearly request at the time of filing with the Registry that the Stipulation and the Assented to Motion to Incorporate the Stipulation into an Order or Judgment be forwarded to the sessions clerk of the Judge assigned to the case so the matter may be reviewed for administrative allowance or scheduled for a hearing as soon as possible.
vii.	If your case has a pending trial or pre-trial and all interested parties and counsel agree to be referred to the Essex County Bar Association conciliation program, please file a Stipulation indicating the date of the trial or pre-trial, the Judge assigned to the case, the telephone numbers and email addresses for all interested persons and counsel and a request for a referral to conciliation. The Stipulation will be handled as stated above.
viii.	If you file a Joint Motion to submit motion(s) for determination on the pleadings pursuant to Rule 78 together with all necessary pleadings, the matter will be forwarded to the Judge assigned to the case for review. If after review the Judge declines to rule administratively on the motion(s), an Order will issue stating this and the motion will be processed as a contested motion.
Questions related to administrative allowances can be directed to: JCM, Attorney Michelle Yee.	

D. Protocol in the event of a court closure by the Trial Court:

The Virtual Registry will remain open.
Questions related to court closures can be directed to: Vinnie Procopio, vincent.procopio@jud.state.ma.us or 857-319-7244.

E. Contact Information:

Emergency phone number	SALEM: 978-740-4143 LAWRENCE: 978-686-9692	
Emergency email address	essexcorrespondences@jud.state.ma.us	
Registry phone number	978-744-1020	
Probation contact	Patrice O'Brien	978-744-1020 ext. 6018 patrice.obrien@jud.state.ma.us
Judicial Case Manager	Michelle Yee	978-744-1020 ext. 6057 michelle.yee@jud.state.ma.us
Assistant Judicial Case Manager	Nickeisha Davidson	978-686-9692 ext. 6066 nickeisha.davidson@jud.state.ma.us
Assistant Judicial Case Manager	Maria Dunn	978-744-1020 ext. 6056

		maria.dunn@jud.state.ma.us
Assistant Judicial Case Manager	Jeanne Condurelli	978-744-1020 ext. 6054 jeanne.coyne@jud.state.ma.us
Sessions Clerk	Tara Kiley	978-744-1020 ext. 6059 tara.kiley@jud.state.ma.us
Sessions Clerk	Kristen Davis	978-744-1020 ext. 6058 kristen.davis@jud.state.ma.us
Sessions Clerk	Amy Lessard	978-744-1020 ext. 6067 amy.lessard@jud.state.ma.us
Sessions Clerk	Shelby Phillips	978-744-1020 ext. 6060 shelby.phillips@jud.state.ma.us
Judicial Assistant	Carol Blanchette	978-744-1020 ext. 6061 carol.blanchette@jud.state.ma.us
Judicial Assistant	Rosanna Espinal	978-744-1020 ext. 6062 rosanna.espinal@jud.state.ma.us
Judicial Assistant	Sarah Chiaradonna	978-744-1020 ext. 6063 Sarah.chiaradonna@jud.state.ma.us

F. Additional Information:

Pleadings submitted for same day hearings

- Any pleadings that are filed for a same-day hearing will only be accepted IN-PERSON
- All emails and e-filings filed after 4:30PM will not be available for hearing the next day and must be filed IN-PERSON.

Emergencies

- All emergencies need to be filed IN-PERSON

Pleadings for remote hearings should not be sent to the clerk unless instructed to do so. They should be filed so that they may be timely docketed.